IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

APPEAL FROM ORDER NO. 730 OF 2004.

Mohan S. Salian. ..Appellant.

vs.

Sai Shradha CHS Bombay. ..Respondents.

Shri A.M.Saraogi for the appellants.
Shri G.K. Karkera for the respondent No.1.

CORAM: V.C.DAGA,J.
DATED: 16-08-2004.

P.C.

. This appeal is directed against the order dated 30.7.2004 passed by the City Civil Court, Bombay, refusing to grant ad-interim injunction in favour of the appellant.

2. During the course of hearing, Shri Karkera, learned Counsel for respondent No.1 - Society made two statements: (1) that structure of the plaintiff is not located in the property of defendant No.1 and (2) that the decree obtained by the respondent No.1-Society from the City Civil Court in S.C.Suit No.470 of 1993 dated 24.9.1993 shall not be executed against the appellant. In view of these two statements, cause of action for the appellant to proceed with the

present appeal does not survive. Statements made are taken on record. Appeal stands disposed of for want of cause of action.

3. Trial Court is directed to hear and dispose of Notice of Motion as expeditiously as possible at any rate within 8 weeks from the date of receipt of copy of this order.

4. Statements made by the learned Counsel for the respondents is subject to the result of Notice of Motion.